

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:**

CASE NO. 11838

**APPLICATION OF PREMIER OIL & GAS INC.
TO HAVE THE DIVISION ORDER EXXON COMPANY USA
TO APPEAR AND SHOW CAUSE
EDDY COUNTY, NEW MEXICO**

FILED
FEB 2 1998
TULSA COUNTY CLERK
TULSA, OKLAHOMA

**PREMIER OIL & GAS INC'S
MOTION FOR A CONTINUANCE**

PREMIER OIL & GAS INC. ("Premier") by its attorneys, Kellahin & Kellahin, requests that this matter be continued from the Commission docket now scheduled for February 26, 1998, to the Commission hearing scheduled for April 9, 1998 and as grounds therefore states:

BACKGROUND

- (1) On July 29, 1997, Premier filed its application in this matter which was scheduled for hearing on August 21, 1998.
- (2) On August 15, 1997, Exxon Company U.S.A. ("Exxon") filed a Motion to Dismiss.
- (3) On August 18, 1997, Yates Petroleum Corporation ("Yates") filed its Motion to Dismiss which included its supporting arguments and citation of authorities.

(4) On August 20, 1997, without notice to Premier and without providing Premier with an opportunity to file a response to the Exxon and Yates' motions to dismiss, Examiner Stogner unilaterally issued a letter dismissing Premier's application.

(5) At the hearing on August 21, 1997, Premier obtained the consent of Examiner Stogner to file its Response to the Motions to Dismiss.

(6) On August 25, 1997, Premier filed its Response to the Motions to Dismiss which included its arguments and citation of authorities.

(7) In addition, on August 25, 1997, Premier filed its First Amended Application.

(8) On September 12, 1997, Exxon filed its Reply to the Premier Response. Yates filed nothing.

(9) On October 31, 1997, the Division issued Order R-10906 granting the Exxon and Yates' motions to dismiss.

(10) On November 7, 1997, Premier filed its application for a DeNovo hearing before the Commission which is current set for hearing on February 26, 1998.

(11) On February 23, 1998, just two days before the Commission hearing, Exxon and Yates have filed another Motion to Dismiss including a Brief in support of their motion.

REQUEST

There is insufficient time prior to the currently scheduled Commission hearing for Premier to prepare a response to this latest motion by Exxon and Yates.

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Counsel for Premier has sought and obtained the concurrence of counsel for Exxon for this motion. Premier has attempted to contact counsel for Yates to obtain his concurrence but he has not been available.

Accordingly, Premier request that this case be continued in order to provide Premier with an adequate opportunity to prepare and file its response to this latest motion to dismiss filed by Exxon and Yates.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing motion was hand delivered to counsel of record this 24th day of February 1998 as follows:

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A handwritten signature in black ink, appearing to read "W. Thomas Kellahin". The signature is written in a cursive style with a horizontal line underneath the name.

W. Thomas Kellahin